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Case No.: 2:18-cv-01482-APG-VCF

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Order Overruling Objection

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[ECF No. 37]

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1 district to district, and may also vary between district judges. *See* 28 U.S.C. § 636(b)(3), (4). In
2 the District of Nevada, magistrate judges are utilized to the full extent of their statutory authority,
3 and exercise general supervision of civil and criminal calendars, conduct pretrial conferences,
4 proceedings, and settlement conferences in civil and criminal cases, and conduct early neutral
5 evaluations in employment discrimination actions. *See* LR IB 1-7; LR 16-6.

6 This District has an automatic referral system that determines which motions and
7 proceedings are decided by a magistrate judge and which motions and proceedings are decided
8 by a district judge. I will hear and decide dispositive motions. Judge Ferenbach will
9 automatically be referred most motions addressing case management, pretrial nondispositive
10 motions, and discovery-related motions. I caution Toromanova that failure to abide by Judge
11 Ferenbach's or my orders may result in sanctions, including monetary or case-ending sanctions.

12 As for whether Judge Ferenbach erred in denying her motion to extend time, I review that
13 decision under the "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A); *see*
14 *also* Fed. R. Civ. P. 72(a); LR IB 3-1(a) ("A district judge may reconsider any pretrial matter
15 referred to a magistrate judge in a civil or criminal case pursuant to LR IB 1-3, where it has been
16 shown that the magistrate judge's ruling is clearly erroneous or contrary to law."). A magistrate
17 judge's order is "clearly erroneous" if the court has "a definite and firm conviction that a mistake
18 has been committed." *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948). "An order is
19 contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of
20 procedure." *Jadwin v. Cty. of Kern*, 767 F. Supp. 2d 1069, 1110-11 (E.D. Cal. 2011) (quotation
21 omitted). I may not substitute my judgment for that of the Magistrate Judge. *Grimes v. City &*
22 *Cty. of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991).

1 Judge Ferenbach's order was not clearly erroneous or contrary to law. He advised
2 Toromanova that if she wanted to amend, she should do so pursuant to Federal Rule of Civil
3 Procedure 15. Nothing in her reply would have changed that she was attempting to amend her
4 complaint through an inapplicable rule, nor does she suggest anything in her reply would have
5 changed that result.

6 IT IS THEREFORE ORDERED that plaintiff Dimitritza Toromanova's objection (**ECF**
7 **No. 37)** is **OVERRULED**.

8 DATED this 2nd day of May, 2019.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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